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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,141	07/23/2003	Jonathan Robert Nowitz	283108004US	8283

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EXAMINER

BLACK, LINH

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,141

Applicant(s)

NOWITZ ET AL.

Examiner

LINH BLACK

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/30/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

This communication is in response to the document dated 7/8/05. Claims 1-27 are cancelled. Claims 28-52 are present in the application. Claims 28, 40 and 52 are independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 28, 31, 34, 36-39 and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Perkes (US 20030110503).

As per claim 28, Perkes teaches
identifying a first media entity, defining a category that includes the first media entity –
paragraphs 0012, 0044-0045, 0082.

In the specification, page 13, paragraph 0038, Applicants teach “a
data store map is defined as information used to define levels and

sublevels of a located data store as a hierarchical structure such as a directory tree.”

designating a portion of a map of a data store containing the media entity as corresponding to the category – pars. 0152, 0154; figs. 16-17; pars. 0262-0265.

specifying metadata for the first media entity that applies to each media entity in the category – pars. 0012-0014, 0043, 0228, 0264.

identifying a second media entity belonging to the category based on the containment of the second media entity in the designated portion of the map – pars. 0070, 0262-0265, 0275, 0297.

attributing the specified metadata to the second media entity – pars. 0012-0013, 0043, 0228.

As per claim 31, Perkes teaches a web site name at which the media entity is identified – pars. 0013, 0078, 0250, 0288.

As per claim 34, Perkes teaches prompting an operator to enter metadata based upon the defined category – par. 0065.

As per claim 36, Perkes teaches comparing the specified metadata with known good metadata – pars. 0044, 0240.

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As per claim 37, Perkes teaches checking the validity of the identified media entities – par. 0179.

As per claim 38, Perkes teaches wherein the media entities are selected from the group consisting of text, audio, video, or images – pars. 0037,0077, 0181, 0247.

As per claim 39, Perkes teaches wherein the metadata conforms to one or more of a Dublin Core standard, an MPEG standard, or an XML standard – par. 0271.

As per claim 52, Perkes teaches
a category identifying one or more media entities; metadata that applies to each media entity in the category - paragraphs 0012, 0044-0045, 0082.
one or more rules for identifying a media entity belonging to the category, such that the contents of the data structure may be used to associate the metadata with identified media entities belonging to the category – pars. 0013, 0229, 0250, 0288.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-30, 32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkes (US 20030110503), and further in view of Teare et al. (US 6151624).

As per claim 29, Perkes does not disclose wherein identifying the first and second media entities includes crawling a web site. Teare et al. teach web object and URLs – col. 2, lines 4-10; web resources and directory tree – col. 7, lines 20-33; metadata crawler – fig. 3; col. 8, lines 37-48; col. 9, lines 29-39. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Perkes' and Teare et al.'s teaching to efficiently locate changes to the mappings stored in or in association with the web servers.

As per claim 30, Applicants teach: "Alternatively, a "search" may be performed for locating URIs of resources available through a communications network as the Internet. In this case, the term "search" may be used synonymously with the term "crawl" that defines a process of locating metadata and URI information from resources available through a communications network. "Crawling" may further mean that metadata and URI information related to a resource is extracted/harvested for use in the workflow of a search engine." – specification, page 5, par. 0020. Perkes does not teach crawl or URI. Teare et al. teach web object and URLs – col. 2, lines 4-10; web resources and directory tree – col. 7, lines 20-33; metadata crawler – fig. 3; col. 8, lines 37-48; col. 9, lines 29-39. Thus, it would have been obvious to one of ordinary skill in the art at the

time of the invention to combine Perkes' and Teare et al.'s teaching to efficiently locate changes to the mappings stored in or in association with the web servers.

As per claim 32, Perkes does not teach parsing a file name of the media entity. Teare et al. teach parsing the name files... - col. 5, lines 3-17; col. 15, lines 60-65. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Perkes' and Teare et al.'s teaching to efficiently identifying the network resources.

As per claim 35, Perkes teaches metadata - paragraphs 0012, 0044-0045, 0082.

Perkes does not explicitly suggest extracting metadata from the first media entity.

Teare et al. teach extract information from the fields – col. 12, lines 7-11; col. 15, lines 60-65. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Perkes' and Teare et al.'s teaching to better categorize data objects, thus, provide better data retrieval operation.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perkes (US 20030110503), Teare et al. (US 6151624), and further in view of Chadwick (US 2003/0115219).

As per claim 35, Perkes and Teare et al. do not explicitly teach using a metadata dictionary. However, Chadwick teaches metadata dictionary – pars. 0004, 0024, 0027; XML metadata file – pars. 0032, 0036. Thus, it would have been obvious to one of

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ordinary skill in the art at the time of the invention to combine Perkes' and Teare et al.'s and Chadwick's teachings to efficiently manage digital data objects.

Claims 40-51 claim the same subject matter as of claims 28-39, and are rejected base on the same ground of rejections as of claims 28-39.

Response to Arguments

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on 8am - 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LINH BLACK
Examiner
Art Unit 2167

October 3, 2005



Mike S. Wassum
Primary Examiner
Art Unit 2167